

Pensions, £3,335 19s.:

MR. KEANE said he did not know whether he was altogether in order in mentioning a name he should have liked to have seen on this list. He could not speak altogether from his own knowledge, but it had been represented to him that the name of Mrs. Commerford, the widow of the late Postmaster at Geraldton might fairly appear among those who were entitled to some allowance from the Government. He believed the late Mr. Commerford was Postmaster at Geraldton for about 25 years at a small salary; and he and his family did all the work of the post office up to a recent date. He believed Mrs. Commerford's was a very deserving case, and he hoped the Government would give it their consideration, and, if they could see their way, place a small sum on the Supplementary Estimates for that good lady.

THE TREASURER (Hon. J. Forrest) believed there were some papers on the subject before him now, but he had not had time to look into them yet. He could only promise the hon. member that he would look into the matter.

Item passed.

Refunds, £664:

Passed.

Miscellaneous Services, £172,276 3s. 3d.:

MR. LOTON, referring to the item "Proportion of Subsidy for New Guinea Commissionship, £166," said he believed the late Government agreed to continue this contribution on the understanding that the other Australian colonies contributed their share. Could the Treasurer inform them whether all the other colonies continued to pay their proportion?

THE TREASURER (Hon. J. Forrest) thought that South Australia had withdrawn from the arrangement, but he was not aware whether any other colony had. This item had been on the Estimates for some years, and he hoped it would not be interfered with now.

MR. PARKER, referring to the item, "Upkeep Government House and Domain; wages in lieu of 12 prisoners, £406 2s. 3d.," said he had already stated that he considered it advisable these grounds should be kept up at public expense, but he should like the words "wages in lieu of 12 prisoners" expunged,

and he would move that they be struck out (which was agreed to). He would also ask the Colonial Treasurer, when the next Estimates were prepared, to place this item under the head of the "Governor's Establishment," where it ought to be.

Item put and passed.

Progress reported, and leave given to sit again another day.

The House adjourned at 11 o'clock, p.m.

Legislative Council,

Friday, 13th February, 1891.

Standing Rules and Orders—Paper: Agreements with holders of special concessions to cut timber—Message from the Governor: Standing Rules and Orders—Loan Bill: first reading—Rights and Privileges of Legislative Council, re Money Bills: Memorandum by President—Prohibition against Western Australian Stock: Question—Desks for Council Chamber: Motion—Apportionment Bill: passed—Protection to Parliamentary Printers Bill: passed—Privileges Bill: passed—Postage Stamp Act, 1889, Amendment Bill: first reading; Suspension of Standing Orders; second reading: passed—Officials in Parliament Bill: first reading; Suspension of Standing Orders; second reading: passed—Census Bill: first reading; Suspension of Standing Orders; second reading; Committee: progress—Adjournment

THE PRESIDENT (Sir T. C. Campbell, Bart.) took the Chair at 3 o'clock.

PRAYERS.

STANDING RULES AND ORDERS.

THE COLONIAL SECRETARY (Hon. G. Shenton): I beg to move, by leave, without notice, "That an Address be presented to His Excellency the Governor, requesting that he will be pleased to approve of the Standing Rules and Orders, as adopted by this Council on the 10th instant."

THE PRESIDENT: I may state that I attended at Government House with the Standing Rules and Orders; but His Excellency said it would be more in accordance with the usual practice to adopt the course just taken by the Hon. the Colonial Secretary.

Question—put and passed.

PAPER—AGREEMENTS WITH HOLDERS OF SPECIAL CONCESSIONS TO CUT TIMBER.

THE COLONIAL SECRETARY (Hon. G. Shenton) laid upon the table the following Paper:—Return to Order of the Council, dated 10th February, 1891: For copies of the Agreements made with the holders of Special Concessions to cut timber, enumerated in Schedule 8 of the Report of the Commissioner of Crown Lands for the year 1889.

MESSAGE FROM THE GOVERNOR—STANDING RULES AND ORDERS.

THE PRESIDENT announced the receipt of a message from His Excellency the Governor, approving of the Standing Rules and Orders.

LOAN BILL.

This Bill was received from the Legislative Assembly, and read a first time.

RIGHTS AND PRIVILEGES OF LEGISLATIVE COUNCIL RE MONEY BILLS.—MEMORANDUM BY PRESIDENT.

THE PRESIDENT: As the Bill which has just been read a first time is a Money Bill—and the most important of its kind that is likely to come before this Council, I think it is highly desirable, before we enter into a discussion upon it, that hon. members should know exactly what, in my opinion, and in the opinion of the best judges here whom I have consulted, are the rights and privileges and the powers of the Council with regard to these Bills. I have, therefore, taken some care to prepare a memorandum on the subject, and I think that this would be the proper time to read it. It is as follows:—With regard to the powers of the Legislative Council to deal with Bills appropriating the Consolidated Revenue Fund or for dealing with taxation, commonly known as Money Bills, the Con-

stitution Act of this Colony is silent. It merely states that the initiation of such measures must take place in the elective Assembly. From this it might be inferred that, apart from initiation, the powers of the two Houses were equal, and that the Upper Chamber had as much right to amend Money Bills as the Lower. I do not say that it has not. It seems to me to be a question not of power, but of generally established practice. I think it would be more convenient that we should look at the practice in the neighboring Colonies rather than at Home, as the political circumstances of the former dependencies of the Crown are more analogous to our own than those of the United Kingdom. Knowing that the question would probably be raised as to the position of the Upper House in regard to Money Bills, I have been at pains to obtain information upon the subject from the best Constitutional authorities available. It appears that the practice, or its bases, differ in the various Colonies of the Australian group. In Victoria, with its elective Upper House, the Constitution Act originally provided that that Chamber should have no power to amend Money Bills, Appropriation Bills, or Bills raising taxes; it can only accept them, or reject them, or return them to the Assembly with suggestions. In South Australia a compact was entered into between the two Houses during the first session of the first Parliament under Responsible Government, under which the Council renounced its right to amend Appropriation Acts dealing with ordinary annual expenditure, but reserved the right to make suggestions in regard to Loan and other Appropriation Acts, which, if not accepted by the Assembly, might entitle the Upper Chamber to reject the Act on being returned to it. In Tasmania, on the other hand, where, as in Victoria and South Australia, there is also an elective Upper House, it appears that the latter has asserted rights in regard to the amendment of Money Bills which may at any rate be said to have remained dormant elsewhere. In this respect Tasmania forms an exception to any other Colony of the Australian group. We now come to the nominated Upper Chambers of New South Wales and Queensland. In Queensland recently an amendment was

made in a Money Bill by the Upper House, and a case was stated for the Privy Council as to the powers of that Chamber to do so. Unfortunately the statement was imperfect, as it left the tribunal open to imagine that increases in Money Bills, as well as decreases, were contemplated. The decision, therefore, cannot be taken as authoritative, but so far as it went, it was adverse to the claims put forward by the nominated Chamber. In New South Wales the nominated Upper House asserts, so I am informed by its President, its theoretic right to amend Bills of any kind, money or other, but has never amended the former. It has, however, amended Appropriation Acts containing clauses dealing with matters outside of Supply. The practice, therefore, in the other Colonies is clear. With the sole exception of Tasmania, where the elective Upper House is particularly strong, whatever the rights and powers Second Chambers may have in regard to the amendment of Money Bills they have not been exercised. I have incontrovertible authority upon this point. In my own opinion it would be more convenient for the Upper House to amend Money Bills, subject to the dissent of the Assembly, than, in the case of objecting to any part of them, to throw them out altogether; which, as once happened in South Australia, necessitated an immediate prorogation for the re-introduction of the rejected measure in a form embodying the Council's amendments. At the same time I feel bound to rule in accordance with general practice, and to state that, in my opinion, this House has only four courses to pursue in regard to Bills dealing with appropriation or with taxation: Either to accept them as a whole; to reject them as a whole; to send them back to the Assembly with suggestions; or to seek a Conference with that body for an amicable settlement of the differences which may have arisen. I wish the House distinctly to understand that I desire in no way to limit its powers, and it is, of course, open to members to disagree with my ruling; but it is only right that I should inform them plainly of the practice which has been followed elsewhere, and I should not, so far as my own action is concerned, depart from that practice.

PROHIBITION AGAINST WESTERN AUSTRALIAN STOCK—QUESTION.

THE HON. J. MORRISON: I beg to ask the Hon. the Colonial Secretary, if the Governments of Queensland and South Australia have given any specific reasons to the Western Australian Government for issuing their respective Proclamations of December 4th, 1890, and 21st January, 1891, prohibiting the importation, or introduction, into the said colonies, of horses, cattle, sheep, dogs, or pigs from Western Australia.

THE COLONIAL SECRETARY (Hon. G. Shenton): The colonies mentioned have given no reasons for issuing their respective Proclamations of December 4th, 1890, and 21st January, 1891, but the prohibition placed upon the importation of stock into those colonies from Western Australia is no doubt attributable to the fact of the late Government of this colony not having been able to join with the Australasian Colonies in precluding the importation of such stock from places from outside of those colonies, as recommended by the Stock Conference held in Melbourne in November 1889, which appears to be considered exposing them to the danger of contracting disease.

DESKS FOR COUNCIL CHAMBER—MOTION.

THE HON. R. E. BUSH moved, That desks, such as are now in use in the Legislative Assembly, be provided for the convenience of members of this House. He said that the present arrangements were most inconvenient, as hon. members were compelled to sit upon their papers and documents during the debates. Desks had been provided in the Legislative Assembly, and he could see no reason why they should not also have similar conveniences. It would probably be said that to supply desks would spoil the look of the Chamber; but he did not think that that would be so at all.

THE HON. T. BURGESS said he would second the motion because such desks as had been suggested would be of the greatest convenience to hon. members.

THE HON. G. W. LEAKE said he regretted being bound to oppose the motion, for desks were generally made a vehicle to assist those who did not think accurately, and they would, therefore, simply lead to prolixity. He was sure they could

discuss the measures brought before them without the aid of desks. Besides this, such conveniences were too often devoted to objects outside the work of the Council, and he would, therefore, give the motion his most decided opposition.

THE HON. J. W. HACKETT said he did not rise to oppose the motion, but to plead for a little more time for the consideration of the exact terms of it, which bound them to the same model of desk as had been adopted in the Legislative Assembly. He could feel for hon. members in their discomfort, but he might point out that in other places there was a feeling that members should be discouraged from turning their seats into a kind of office. Again they were within a week or ten days of the end of the session, and hence nothing could be done to be of any immediate use. He would, therefore, throw out the suggestion that a committee be appointed consisting of the President, the Colonial Secretary, the Hon. Mr. Bush, and himself, to consider the matter during the recess.

THE COLONIAL SECRETARY (Hon. G. Shenton) said that nothing could be done during the present session in the way indicated by the motion, and therefore he thought it would be better to adopt the suggestion of the Hon. Mr. Hackett. The matter had been considered by the Works Department, and it was pointed out that if desks of a similar pattern to those in the Legislative Assembly were provided, there would be great inconvenience in hon. members having to pass over one another in getting to their seats, there being no room for them to pass in front of the Table. Small desks, such as those in use at the American Congress might, however, be used.

THE HON. R. E. BUSH said he would, by leave of the House, strike out the words "such as are now in use in the Legislative Assembly."

THE PRESIDENT: The hon. member cannot amend his own motion.

THE HON. J. MORRISON: Then I move that these words be struck out.

THE PRESIDENT: I may say that a member of the staff of the Works Department and myself have carefully considered this question, and we came to the conclusion that it was absolutely impossible to have tables like those in use in the Assembly. Perhaps desks such as

those referred to by the hon. the Colonial Secretary might be provided with advantage.

The amendment was agreed to, and the resolution, as amended, put and passed.

APPORTIONMENT BILL.

This Bill was considered in committee and agreed to without amendment, and was reported to the House.

The Standing Orders were suspended.

The Bill was then read a third time and passed, and ordered to be transmitted to the Legislative Assembly for its concurrence therein.

PROTECTION TO PARLIAMENTARY PRINTERS' BILL.

This Bill was considered in committee and agreed to without amendment, and was reported to the House.

The Standing Orders were suspended.

The Bill was then read a third time and passed, and ordered to be returned to the Legislative Assembly.

PRIVILEGES BILL.

This Bill was considered in Committee and agreed to without amendment, and was reported to the House.

The Standing Orders were suspended.

The Bill was then read a third time and passed, and ordered to be returned to the Legislative Assembly.

POSTAGE STAMP ACT, 1889, AMENDMENT BILL.

This Bill was received from the Legislative Assembly and was read a first time.

The Standing Orders were suspended.

THE COLONIAL SECRETARY (Hon. G. Shenton): In moving the second reading of this Bill I have to state that it is merely a formal measure, and one which has only been brought in by the Government on the recommendation of the solicitors to the Post Office in London. The Act of 1889, by an omission, did not make the law as to fictitious stamps apply to the United Kingdom, and this Bill remedies that defect.

Question—that the Bill be now read a second time—put and passed.

The Bill was considered in committee and agreed to without amendment, and was reported to the House.

The Bill was then read a third time and passed, and ordered to be returned to the Legislative Assembly.

OFFICIALS IN PARLIAMENT BILL.

This Bill was received from the Legislative Assembly and was read a first time.

The Standing Orders were suspended.

THE COLONIAL SECRETARY (Hon. G. Shenton): I may state, for the information of hon. members, that this Bill is brought in for the purpose of allowing any member of either the Legislative Council or the Legislative Assembly to accept the office of Administrator of the Government and to receive remuneration therefor. By the Constitution Act any member accepting any office of profit under the Crown, vacates his seat. It may be necessary, in the absence of the Governor, to appoint one of the members of either House as Administrator, and this Bill, which I now move be read a second time, is brought in to meet the case.

THE HON. J. W. HACKETT: There is also another provision in the Bill that if a Responsible Minister changes his office he shall not be compelled, having once been re-elected, to stand again for election.

Question—that the Bill be now read a second time—put and passed.

The Bill was considered in committee and agreed to without amendment, and was reported to the House.

The Bill was then read a third time and passed, and ordered to be returned to the Legislative Assembly.

CENSUS BILL.

This Bill, received from the Legislative Assembly, was read a first time.

The Standing Orders were suspended.

THE COLONIAL SECRETARY (Hon. G. Shenton): As hon. members are aware, this is the year for taking the Census throughout the colony, and this Bill is brought in to give the necessary power to carry it out. I move the second reading of the Bill.

IN COMMITTEE.

Clause 1 agreed to.

Clause 2—Interpretation:

THE HON. G. W. LEAKE said that a cursory reading of this clause showed him it was imperfect. The first part of it

read, "For the purposes of this Act the word 'dwelling' shall include any house, building, booth, tent, hut, or other erection, in or under which any person usually sleeps, and every ship or other vessel in any port or harbor of the colony." It was a matter of common knowledge that many men, drovers and teamsters for instance, slept in the open air, and this clause did not cover them.

THE HON. T. BURGESS said he quite agreed with the hon. member, and was of opinion that some amendment should be made to cover the class of persons referred to.

THE COLONIAL SECRETARY (Hon. G. Shenton) said he was under the impression that the case was met by the Census form itself.

THE HON. J. W. HACKETT said that under clause 15 of the Bill the Governor-in-Council had power to make Regulations, and perhaps the omission would be met in that way. Probably, before proceeding further with the Bill, the Hon. the Colonial Secretary would consult the Attorney General.

THE COLONIAL SECRETARY (Hon. G. Shenton): I will adopt that course, and will, therefore, move that progress be reported.

Question—that progress be reported—put and passed.

ADJOURNMENT.

The House, at 4.10 p.m., adjourned until Tuesday, 17th February, at 3 o'clock.